

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
JEFFREY G. McGONEGAL, BARRY
HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROUSSMAN, ANDREW KAPLAN,
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(TJB)

MOTION DATE: November 4, 2019

ORAL ARGUMENT REQUESTED

**DIRECTOR DEFENDANTS' JOINDER AND NOTICE OF MOTION TO
DISMISS THE CORRECTED CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT FOR VIOLATION OF THE FEDERAL
SECURITIES LAWS**

THOMAS A. ZACCARO
thomaszaccaro@paulhastings.com
D. SCOTT CARLTON
scottcarlton@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, 25th Floor
Los Angeles, California 90071-2228
Telephone: 1(213) 683-6000
Facsimile: 1(213) 627-0705

CHAD J. PETERMAN
chadpeterman@paulhastings.com
PAUL HASTINGS LLP
200 Park Avenue
New York, NY 10166
Telephone: 1(212) 318-6000
Facsimile: 1(212) 319-4090

Attorneys for Defendants
ANDREW KAPLAN, ERIC SO, AND JASON LES

PLEASE TAKE NOTICE that on November 4, 2019, or at such other date as may be set by the Court, Defendants Andrew Kaplan (“Kaplan”), Jason Les (“Les”), and Eric So (“So”) (collectively, “Director Defendants”), by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) (the “Reform Act”), dismissing with prejudice Lead Plaintiff Dr. Stanley Golovac’s (“Lead Plaintiff”) Corrected Consolidated Amended Class Action Complaint in the above-captioned matter (the “Corrected Complaint” or “CCAC”). The Director Defendants also fully join and incorporate herein the facts and arguments of defendants Riot Blockchain, Inc. (“Riot” or the “Company”), Michael Beeghley, John O’Rourke, and Jeffery G. McGonegal’s concurrently filed Notice of Motion and Motion to Dismiss the Corrected Complaint, Memorandum of Points and Authorities, and the Declaration of Thomas Zaccaro in Support of Defendants’ Motions to Dismiss the Corrected Consolidated Amended Class Action Complaint and the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, and on such other

written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: September 3, 2019 PAUL HASTINGS LLP

By: /s/ Chad J. Peterman
CHAD J. PETERMAN

chadpeterman@paulhastings.com
200 Park Avenue
New York, NY 10166
Telephone: 1(212) 318-6000
Facsimile: 1(212) 319-4090

THOMAS A. ZACCARO
thomaszaccaro@paulhastings.com
D. SCOTT CARLTON
scottcarlton@paulhastings.com
515 South Flower Street
Twenty-Fifth Floor
Los Angeles, CA 90071
Telephone: 1(213) 683-6000
Facsimile: 1(213) 627-0705

Attorneys for Defendants
*ANDREW KAPLAN, ERIC SO, AND
JASON LES*